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**From:** Stevenson, Allan (DPH)  
**Sent:** Thursday, August 02, 2007 10:19 AM  
**To:** Nassif, Julianne (DPH); Pribeck, Kristen (DPH)  
**Cc:** Salemi, Charles (DPH)  
**Subject:** Assistant Analyst appointment

Julie and Kristen,

The law regarding appointment of analysts is Chapter 111, section 9. The link is below. The significance of this appointment is that Chapter 111, section 13 states that certificates of analysis signed by analysts or assistant analysts of DPH are considered *prima facie* evidence and therefore the analyst is not required to appear in court for direct testimony (unless the analyst is subpoenaed). The reason we are all assistant analysts is that the Lab Director from the 1970s considered himself to be the analyst and we were all his assistants; our certificate says assistant analyst.

Although the law states "the commissioner may appoint and remove inspectors, analysts and chemists", I assume that past commissioners have delegated that authority. Ralph and Dr. Grady have made some appointments in the past.

The text of the appointment letter:

This is to certify that \_\_\_\_\_ has been appointed on \_\_\_\_\_ as an Assistant Analyst of the Department of Public Health under the provisions of Chapter 111, section 9 of the General Laws.

<http://www.mass.gov/legis/laws/mgl/111-9.htm>  
<http://www.mass.gov/legis/laws/mgl/111-13.htm>

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